

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

LEAGUE OF UNITED LATIN AMERICAN  
CITIZENS, *et al.*,

*Plaintiffs,*

v.

GREG ABBOTT, in his official capacity as  
Governor of the State of Texas, *et al.*,

*Defendants.*

CIVIL ACTION NO.  
3:21-cv-00259-DCG-JES-JVB  
[Consolidated Action: Lead Case]

**LULAC PLAINTIFFS' OPPOSED MOTION TO VOLUNTARILY DISMISS CLAIMS  
AND FOR LEAVE TO FILE THEIR FIFTH AMENDED COMPLAINT**

Plaintiffs League of United Latin American Citizens, *et al.* (“LULAC Plaintiffs”) respectfully move to voluntarily dismiss without prejudice certain claims pursuant to Federal Rule of Civil Procedure 41(a)(2), and seek leave to file their Fifth Amended Complaint pursuant to Federal Rule of Civil Procedure 15(a)(2) in accordance with any such dismissal. This motion is opposed, in part.

First, pursuant to Rule 41(a)(2), LULAC Plaintiffs respectfully seek leave to voluntarily dismiss their claim challenging the redistricting of Congressional District 23 in enacted Plan C2193. Defendants will not be prejudiced as a result of dismissal, especially because dismissal will serve to narrow the issues in dispute prior to trial.

Second, pursuant to Rule 15(a)(2), LULAC Plaintiffs respectfully request leave to amend their operative complaint, as contemplated by the Court, “to update their allegations about their members’ districts of residence . . . cite to previously unavailable statistical evidence, and make

other conforming changes.” Doc. 877 at 1. LULAC Plaintiffs have made those changes in their Fifth Amended Complaint. In addition, and by separate motion, LULAC Plaintiffs seek to file under seal their updated list of LULAC Plaintiff association members who have standing to sue. *See* Doc. 439 (granting leave to file under seal).

LULAC Plaintiffs’ proposed Fifth Amended Complaint is attached as Exhibit A, and a redline against LULAC Plaintiffs’ Fourth Amended Complaint is attached as Exhibit B. There is no bad faith, dilatory motive, or undue delay as a result of LULAC Plaintiffs’ proposed amendments, and the amendments will not prejudice Defendants.

Accordingly, LULAC Plaintiffs respectfully request that the Court: (1) dismiss without prejudice, pursuant to Rule 41(a)(2), their claim challenging the redistricting of Congressional District 23 in enacted Plan C2193 and (2) grant leave to file a Fifth Amended Complaint, as reflected in Exhibit A.

Dated: March 20, 2025

Respectfully submitted,

/s/ Nina Perales

Nina Perales

Fátima Menéndez

Julia Longoria

Sabrina Rodríguez

Mexican American Legal Defense and Educational  
Fund (MALDEF)

110 Broadway Street, Suite 300

San Antonio, TX 78205

(210) 224-5476

Fax: (210) 224-5382

*Counsel for LULAC Plaintiffs*

### **CERTIFICATE OF CONFERENCE**

I hereby certify that, on March 19 and March 20, 2025, counsel for LULAC Plaintiffs

conferred with counsel for all parties regarding the instant motion. Counsel for State Defendants do not oppose the relief granting leave to dismiss claims without prejudice. With respect to leave to amend the complaint, State Defendants stated that they maintain the objections to further amendment laid out in their previous pleadings and do not waive those objections. State Defendants further stated that they understand the Court has overruled those objections, and acknowledge that the Court's order at ECF 877 authorizes the proposed amendments.

The other plaintiffs do not oppose the motion.

/s/ Nina Perales  
Nina Perales

**CERTIFICATE OF SERVICE**

The undersigned counsel hereby certifies that she has electronically submitted a true and correct copy of the above and foregoing via the Court's electronic filing system on the 20th day of March 2025.

/s/ Nina Perales  
Nina Perales